

## **BOARD OF POLICE COMMISSIONERS**

### **Minutes of the Regular Board of Police Commissioners Meeting Thursday, March 4, 2004**

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, March 4, 2004, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Rm. 328-A, Detroit, MI 48226.

#### **ATTENDANCE**

##### **Board Members Present**

Willie E. Hampton  
Arthur Blackwell, II  
Erminia Ramirez  
Jim Holley  
Megan P. Norris

##### **Department Personnel Present**

Chief Ella M. Bully-Cummings  
DC Christian  
DC Burden  
Insp. Wilson-Turner  
Insp. Fields  
Lt. Foy  
Lt. Romeo  
Sgt. Slappey  
Sgt. D. Jackson  
PO Carl Dixon  
PO W. Huggins  
PO I. Reed

##### **Board Staff Present**

Dante' L. Goss, Exec. Director  
Denise R. Hooks, Attorney/Supervising Inv.  
Arnold Sheard, Interim Chief Investigator  
Stephan Thompson, Senior Police Commission Investigator  
E. Lynise Bryant-Weekes, Personnel Director

##### **OTHERS PRESENT**

Billie Christian  
Doncella Floyd  
Valerie Coleman  
Herman Vallery

Ron Scott  
Mr. Cracchiolo  
Carol Bogden  
Gloria Canales, City Council  
Rodney McDuffy, City Council  
Rick Jones, City Council

## **RECORDERS**

Jerome Adams  
Felicia Hardaway  
Kellie Williams

### **1. CALL TO ORDER**

**Commissioner Hampton** called the regular meeting of the Detroit Board of Police Commissioners to order at 3:16 p.m.

### **2. APPROVAL OF MINUTES**

- **Thursday, February 26, 2004**

**Comm. Ramirez** stated that there were some changes that needed to be made to the minutes.

**Comm. Norris** stated that there were some changes in the folder and she assumed that the changes have been made.

**Comm. Ramirez** stated that the changes were made when she came into the office.

**MOTION:** **Comm. Norris** made the motion to approve the minutes of Thursday, February 26, 2004.

**SECOND:** **Comm. Holley** seconded the motion

**VOTE:** All in attendance voted in the affirmative.

### **3. REPORT FROM THE CHAIR**

None.

#### **4. SECRETARY'S REPORT – EXEC. DIR. GOSS**

##### **Suspension**

On March 4, 2004, Police Officer Larry Childress, Badge 917, assigned to the Detroit Metropolitan Police Academy, was suspended without pay by Chief Ella M. Bully-Cummings.

On January 19, 2004, the Professional Accountability Bureau, Internal Affairs Section, was notified of an allegation of misconduct on the part of Detroit Police Department Police Officer Larry Childress. More specifically, the complainant alleged that Officer Childress did, while off-duty, use unjustified force against a citizen. As a result, an Internal Affairs investigation was initiated.

The investigation revealed the following:

On Sunday, January 18, 2004, at approximately 11:00 p.m., the complainant was returning his fiancé's children to their home, located in the city of Detroit. Upon turning into the driveway and exiting the vehicle, the complainant alleged that he was approached by Officer Childress who shoved him back into the vehicle. At that time, the complainant alleged that Officer Childress produced a blue steel automatic weapon, pointed it at him and at his brother, and threatened to shoot the complainant. The complainant further alleged that there was an on-going problem between him and Officer Childress stemming from a family dispute. In addition to the complainant and his brother, there were two individuals who witnessed the incident.

On February 26, 2004, a three-count felony warrant was issued against Officer Childress charging him with "Felony Assault and Felony Firearm," contrary to MCL 750.82 and MCL 750.227b, respectively. Felony Assault is a felony punishable by four years in prison and/or a fine of \$2,000.00; Felony Firearm is a felony punishable by two years in prison.

On February 27, 2004, Officer Childress appeared for arraignment in Thirty-Sixth District Court, wherein a plea of not guilty to the charges was entered on his behalf. Officer Childress was released on a \$1,000.00 personal bond. The Preliminary Examination is scheduled for March 11, 2004.

Based on the above circumstances, it is recommended that Officer Childress be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

**CHARGE: CONDUCT UNBECOMING AN OFFICER;  
CONTRARY TO THE LAW ENFORCEMENT  
CODE OF ETHICS, THIS BEING IN  
VIOLATION OF DETROIT POLICE  
DEPARTMENT RULES AND REGULATIONS  
SECTION 102.3-5.7, SUBSECTION 3.**

**Executive Director Goss** asked if there was anyone here on behalf of Officer Childress?

Unless contravened by this Commission, The above suspension without pay will stand.

There were no contraventions to the above suspension without pay.

#### **CITIZEN COMPLAINTS RECEIVED**

	<b><u>This Week</u></b>	<b><u>Year to Date</u></b>
<b>Weekly Count of Complaints:</b>	<b>43</b>	<b>245</b>
<b>Weekly Count of Allegations:</b>	<b>73</b>	<b>466</b>
Arrest	1	14
Demeanor	25	165
Entry	0	10
Force	10	41
Harassment	5	22
Procedure	18	110
Property	1	13
Search	2	7
Service	11	84

#### **Pending Cases**

As of March 3, 2004, the Office of the Chief Investigator (OCI) has a total of **905 pending cases**, which include **214 cases** with an age of 0-45 days, **19 cases** with an age of 46-60 days, **126 cases** with an age of 61-90 days, and **94 cases** with an age of 91-120 days, **159 cases** with an age of 121 days – 6

months, **206 cases** with an age of 7-9 months, and **67 cases** with an age of 10-12 months, and **20 cases** with an age of 13-15 months.

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**2003**

During the past week:                      30                      Year to Date:    188

**5. REPORT/PRESENTATION – CHIEF OF POLICE**

**Chief Ella M. Bully-Cummings** stated that the Board had asked about an operation that was being facilitated out of the Twelfth Precinct called “Operation Papercut.” Chief Bully-Cummings stated that it was the brainchild of Lt. Thomas Berry of the Twelfth Precinct. They identified outstanding warrants for people that lived in the Twelfth Precinct. They drafted a very nice and courteous letter and they sent it to every known address of the wanted individual in the Twelfth Precinct. So if you had an individual that had six (6) addresses in the Sixth Precinct, a letter went to each address. She believed that the letters were mailed on February 13, 2004. What the letter stated is that people call a specific number at the Twelfth Precinct to make arrangements to have the outstanding warrant handled whether it was to pay a fine or whether they had to go to court. What we were trying to do was to minimize the amount of time that they would be inconvenienced, the amount of time they would have to sit in a holding cell, and what we didn’t want to do is to have them in for additional charges. If we stopped them, we would have to forfeit their car and that kind of thing. It gave people an opportunity to schedule turning themselves in around a time that was convenient to them. To date, 110 people have turned themselves in.

**Chief Ella M. Bully-Cummings** stated that some of the outstanding warrants were from anything from attempted murder to a misdemeanor. If you were wanted for attempted murder, you were incarcerated. I have a correction on the total; there were 162 people that turned themselves in.

**Comm. Holley** asked how many were warrants?

**Chief Ella M. Bully-Cummings** answered that the Twelfth Precinct sent out about 3,000 letters and as a result, we found out that either 75 of these individuals were already incarcerated, or deceased. Another 7 individuals turned themselves directly into the court. This was an opportunity for us to get a lot of wanted people off the streets in a manner that would not inconvenience the particular criminal or create a overflow in our holding cells. On Monday, Lt. Berry did a presentation before the senior management because other command officers were not aware that this initiative was going on and it provides them an opportunity to implement it when they can in their prospective precincts. It has

worked out well and kind of funny. A couple of stories were that one guy lived at four (4) different addresses in the Twelfth Precinct. He went to all four (4) houses and picked up his letters; when the police stopped him, he had all four (4) letters in his pocket. There was another one where one wanted person was sent a letter but his cohort that did the crime with him was not sent a letter; he brought him in with him. You had people that knew they were wanted and turned themselves in, even though they were not from the Twelfth Precinct.

## **DETROIT POLICE DEPARTMENT**

### **Board of Police Commissioners**

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of February 25– March 2, 2004:

#### **ORGANIZED CRIME AND GANG DIVISION**

Narcotics Conspiracy Section – conducted three enforcement actions in the 2800 block of Clark Street, the 12800 block of Plymouth Road and the 750 block of Hazelwood, in the city of Detroit. These enforcement actions resulted in the following confiscations:

26 grams of cocaine and 9,276 grams of marijuana – street value  
\$47,504.00  
\$1,960.00 U.S. currency

Vice Section –conducted one enforcement action within the boundaries of the Fourth Precinct. The enforcement action resulted in the following arrests and confiscations:

6 arrests for “Disorderly Conduct – Flagging”  
6 arrests for “Admitting and Receiving”  
6 vehicles confiscated

#### **FIFTH PRECINCT**

On February 29, 2004, officers of the Fifth Precinct were on patrol in the area of Harper and Cadieux when they observed a man matching the description of a person wanted for felonious assault. The subject attempted

to flee on foot but was apprehended after a short foot chase. He was arrested, without further incident and conveyed to the Fifth Precinct.

### **EIGHTH PRECINCT**

On February 24, 2004, officers of the Eighth Precinct were on patrol in the area of Vassar and Glastonbury and observed a vehicle disregard a stop sign. The officers effected a traffic stop. As a result of the officers' investigation, the subject was arrested for "Home Invasion and Felony Firearm." Confiscated were two handguns, burglary tools, fur coats and other miscellaneous items. With the assistance of other Eighth Precinct patrol officers, the venue of the burglary was identified.

### **REPEAT OFFENDERS PROGRAM - VIOLENT CRIMES TASK FORCE**

On February 27, 2004, officers of the Repeat Offenders Program of the Violent Crimes Task Force were working in conjunction with the Federal Bureau of Investigations and the Michigan State Police. On December 29, 2003, a fatal shooting occurred in the area of Burt Road and West Outer Drive. Officers of the Repeat Offenders Program, the Federal Bureau of Investigations and the Michigan State Police conducted surveillance in the area the wanted subject was known to frequent. As a result, the wanted male subject was observed driving in the area. After a brief chase, the subject abandoned the vehicle and fled on foot. He was arrested, without further incident, after a brief foot chase and charged with "Murder, Possession of a Stolen Motor Vehicle and Possession of Cocaine, Heroin and Marijuana."

**Chief of Police Ella M. Bully-Cummings**

### **6. PRESENTATION – CHILDREN'S AID SOCIETY**

The presentation was given by Billie Christian, Valerie Coleman, from the Children's Aid Society and by Doncella Floyd, Child Abuse Unit of the Detroit Police Department. **(See attached)**

**Comm. Norris** asked how many DPD Officers are in the Child Abuse Unit?

**Lt. Shelley Foy**, Child Abuse Unit, stated she has a total of eleven (11) police officers, Two (2) Sergeants, one was newly promoted, and she is at Officer Candidate School (OCS), herself and one (1) civilian.

**Comm. Norris** asked if they were assigned to the precincts that were mentioned or are they all assigned somewhere different.

**Lt. Shelley Foy** answered they are all citywide from one office.

**Comm. Ramirez** asked if they were working with any other agencies like the 3<sup>rd</sup> and 4<sup>th</sup> Precinct, especially with the Spanish speaking population?

**Lt. Shelley Foy** answered that they work with anyone that comes in contact with their officers and we are not linked with any of the bilingual agencies.

**Comm. Ramirez** asked if any of the officers were bilingual?

**Lt. Shelley Foy** answered no but we are looking for officers that can speak Spanish. We can call the 3<sup>rd</sup> or 4<sup>th</sup> Precinct when we need officers and they assist us in helping the families.

## **7. APPROVAL OF GENERAL ORDER - CHAIRPERSON**

- **Directive 303.3 (In-Car Video Camera)**

**Comm. Norris** stated that her understanding is that this policy was presented to the Board 2 or 3 weeks ago, and part of the purpose of that presentation was to allow the public who wanted to have any input to do that. She thinks that before we vote, we need to make sure that the opportunity has been had and there has been input. The drafters of the policy had an opportunity to make any changes that seemed appropriate. She didn't know if anyone was here to address whether there has been such input or whether the input has been incorporated or not.

**Chief Ella M. Bully-Cummings** stated that the comments would come from the Board of Police Commissioners.

**Comm. Norris** stated that well they could or not necessarily.

**Chief Ella M. Bully-Cummings** stated that it is not structured to come to the police department because the post policies are submitted to the Board of Police Commissioners and the policies that we submit to you is one that is signed off by the Department. So any concerns or comments would come to the Board and if you felt it so inclined to have the policies revisited, it would come down from the.....(inaudible)

**Comm. Norris** stated that she was not aware of receiving it.

**MOTION:** **Comm. Norris** made the motion to adopt Directive 303.3 (In-Car Video Camera).



**SECOND:** **Comm. Holley** seconded the motion

**VOTE:** All in attendance voted in the affirmative.

**Comm. Ramirez** asked how often are the tapes changed?

**Chief Ella M. Bully-Cummings** stated that the maximum and she stated that she does not have a copy of the policy but she is going from memory. The maximum number of times that the tape can be reused is three (3) and the maximum length of time that the tape can be used is one (1) year. We are finding that if we limit the number of times that the tape can be used and the length of time, we can be assured that we will have a clearer picture provided nothing else is done to the camera.

## **8. DISCIPLINARY APPEALS ARGUED - APPEALS SUBCOMMITTEE**

### **DISCIPLINARY APPEALS ARGUED FEBRUARY 19, 2004**

**POLICE OFFICER CHET GARDNER  
BADGE 3861**

**BPC 03-011D**

#### **Charges**

**I.** Conduct Unbecoming an Officer, two specifications; **II.** Withholding Information Relative to Suspicious Persons or Places, or Any Occurrence or Circumstances Bearing on Crimes or Attempted Crimes, one specification; and **III.** Neglect of Duty, one specification.

#### ***Trial Board Decision*** **And Penalty**

Found **guilty** of the charges and specifications.

Ordered **dismissed** from the Department.

**Recommendation**

1. Set aside and vacate the order of dismissal, and replace with a 180-day suspension.
2. Petitioner is to be promptly restored to the active payroll.
3. Petitioner is to be paid back wages for any time off the active payroll beyond one year.

**MOTION:** Comm. Holley made the motion to uphold the recommendation.

**SECOND:** Comm. Norris seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

**POLICE OFFICER LARON YORK  
BADGE 412**

**BPC 03-019D**

**Two disciplinary cases:**

Charges (DAS 01-0648)

**I.** Conduct Unbecoming an Officer, two specifications; **II.** Conviction in a Court of Criminal Jurisdiction, one specification; and **III.** Neglect of Duty, one specification.

**Trial Board Decision**

Accepted guilty plea.

**Charges (DAS 02-0292)**

**I.** Conduct Unbecoming an Officer, one specification; **II.** Conviction in a Court of Criminal Jurisdiction Except for Minor Traffic Offenses; one specification; **IV.** Neglect of Duty, one specification.

**Trial Board Decision**

Accepted guilty plea.

**Penalty on Combined Cases**

60-day suspension to be served within a six (6) month-period.

**Recommendation**

Reduce to a 30-day suspension to be served within a six (6) month period.

**MOTION:** Comm. Holley made the motion to uphold the recommendation.

**SECOND:** Comm. Norris seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

**9. OTHER BUSINESS**

**Comm. Hampton** stated that at the Board meeting in January, there were some legal issues that arose regarding the contract interpretation. The subcommittee was going to get back with us. Where do we stand on that?

**Executive Director Goss** stated that the subcommittee has met on this and he is waiting for the recommendation.

**Comm. Norris** stated that she thinks that Ms. Hooks and Director Bryant-Weekes have been in contact with someone from the Law Department, who was going to come and talk to us. I believe it is what I saw in my FYI this week. But, I don't know exactly where that stands beyond that they are planning to have someone come and talk to us about this.

**Denise Hooks, Atty/Supervising Investigator**, stated that she has been in contact with our Personnel Director, Lynise Bryant-Weekes, and she is still waiting to hear back from her with respect to whom is going to make that presentation and when. She would get that information to the Board as soon as she knows.

**Executive Director Goss** stated that Director Bryant-Weekes wished to update the Board concerning the issue.

**Director Bryant-Weekes**, Personnel Bureau, stated that there was a question poised to her regarding the follow-up issue of the January 29<sup>th</sup> meeting. She

confirmed with Deputy Chief Christian that we could have someone at the next week's meeting, although she knows that is a community meeting; but there had been some additional things that had come up. DC Christian informed her that the union had actually filed an unfair labor practice against the police department on the issue. DC Christian does have some information with respect to where we would be and if you would really want someone to respond to the union's attorney. We could have someone come next week or the week after might be better off?

**Comm. Hampton** stated that the week after and deal with everything at one time.

**Director Bryant-Weekes** asked the week after next?

**Comm. Hampton** answered yes.

**Director Bryant-Weekes** answered okay.

**Comm. Hampton** stated for the record that we received a letter from the City Clerk, Jackie Currie, regarding the policy regarding the use of cameras for monitoring. There was a meeting scheduled for the public on February 18, 2004, that was changed to Monday, March 8, 2004, at 11:00 am. in the Council 's Committee of the Whole room located on the 13<sup>th</sup> floor of the Coleman A. Young Municipal Center, Two Woodward Avenue. If anyone is interested in attending that meeting and need further details, we will be glad to serve you.

**Comm. Holley** asked the meeting is hosted by?

**Comm. Norris** answered the City Council. It is a City Council meeting.

**Comm. Holley** asked is this in regards to the cameras in the police car?

**Comm. Hampton** answered yes and the monitors in the City County building.

### **Press Conferences**

**Comm. Norris** stated that it was disturbing to her to find a major news article this morning on a major development involving the department that we oversee and she learned about it when she read it in the newspaper and she wished that the Board had been invited to the press conference. We are invited to press conferences that involve the department and she is certain that it was a press conference that was planned with more than a few minutes attention. She knew all the press had time to get there and she thinks that it is disappointing that given where we stand in the chain of command, that we were not included in what she thought was a really terrific announcement and terrific development for

this department. But at this point, our knowledge of it is limited to what was on the front page today.

**Chief Ella M. Bully-Cummings** stated the press conference was not coordinated by the police department.

**Comm. Norris** stated she is guessing that it has to be addressed ....

**Chief Ella M. Bully-Cummings** stated that she could not respond to that.

**Comm. Norris** stated no but you can help us address it. That you can do.

**Chief Ella M. Bully-Cummings** stated that she didn't quite understand how to address it.

**Comm. Norris** stated that because she speaks more regularly to people involved who were involved in the planning.

**Chief Ella M. Bully-Cummings** stated that what she will do then after she has a discussion with the people over there and assume the responsibility for when she is notified, she would pass that information on to the Board.

**Comm. Norris** stated that would be very helpful.

**Chief Ella M. Bully-Cummings** stated that she will assume that responsibility.

## **9. ORAL COMMUNICATION FROM THE AUDIENCE**

**Carol Bodgen** stated that she has had ongoing problems with the 4<sup>th</sup> Precinct. She alleges that the media was not allowed to photograph citizens at the board meeting and were not allowed to attend the board meetings. She expressed her concern about plainclothes officers taking moving pictures of protesters. She directed a question to Comm. Norris about being upset regarding a press release that did not get permission from the Board.

**Comm. Norris** stated that it was not that they did not get permission; it was that the Board oversees this department and when there are major developments, we would like to know about them.

**Mr. Craccioholio** expressed his concern regarding the media attention concerning drug raids throughout the city. He addressed a question to Chief Ella M. Bully-Cummings if she has communication with the Sheriff's Department on this issue and is she aware of the operation.

**Chief Ella M. Bully-Cummings** stated that she was not aware of the operation that was executed the other night. The department does have an ongoing relationship with the Wayne County Sheriff's Office. There is a process in place for de-confliction so that when another agency is conducting raids within the city limits, there are certain notifications that have to be made to ensure that other law enforcement agencies don't compromise the raid or get in the middle of it and plus be confirmed. On this particular one, No, we were not notified.

**Chief Ella M. Bully-Cummings** stated that the Department has a working relationship only with the Wayne County Sheriff's Office but also the federal agencies. I have to assume that this was an oversight because she did inquire about it. She was watching the news and she saw it. She has to assume that it was an oversight because normally there is notification made concerning raids within the city limits.

**Mr. Craccioholio** asked if maybe there was a lack of communication between the departments or maybe the Sheriff's Department may not trust the city of Detroit?

**Chief Ella M. Bully-Cummings** stated that is not what she is saying. What she is saying is that normally there is notification and I am saying that we have a very good working relationship with the Wayne County Sheriff's Office, the State Police, and other federal agencies. She has to assume that it was an oversight and she did not think that it was anything intentional.

#### **10. ANNOUNCEMENT OF NEXT MEETING**

Thursday, March 11, 2004, @ 6:30 p.m.  
Detroit Public Library (Conley Branch)  
4600 Martin Rd.  
Detroit, MI 48210

#### **11. ADJOURNMENT**

Meeting was adjourned at 4:00 p.m.

Respectfully Submitted,

**DANTE' L. GOSS**  
Executive Director  
Board of Police Commissioners

**DLG/fyh**